

# City Council Agenda

Council President  
**Jerry Duncan**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun, Ph.D.**  
**Mike Dages**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

**Henry T. Perea – Acting President**  
**Cynthia Sterling**  
**Larry Westerlund**

Interim City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**April 18, 2006**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Pastor Ara Guekguezian of the Pilgrim Armenian Congregational Church

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of the Carl Hernandez Peer Recognition Award – 2006 Recipient Julian Perea - Acting President Perea

Recognition to Holt, Rinehart and Winston for Supporting the PR&CS Free Book Libraries in Southwest Fresno and PR&CS Community Science Workshops – Councilmember Sterling

Proclamation of "WILLIAM QUICK DAY" – CITY OF FRESNO EMPLOYEES' RETIREMENT BOARD CHAIRMAN – Councilmember Dages

Presentation of the P.R.I.D.E. Team Certificates - Reception Immediately Following – 2<sup>nd</sup> Floor Foyer

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of April 4, 2006

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 10:30 a.m.

- A. \* Approve agreement with Saltmine, Inc. for website management system implementation and content development – Information Services Dept.

**Action Taken:**

- B. **RESOLUTION** – Of intention to annex Final Tract Map No. 5326 to the City of Fresno Community Facilities District No. 2, Annexation No. 118 (***Property located in District 1***) – Public Works Dept.

**Action Taken:**

- C. \* **RESOLUTION** - 64th amendment to AAR 2006-286 appropriating \$45,100 for the Medical Reserve Corps Grant Project (***Requires 5 affirmative votes***) – Police Dept.

**Action Taken:**

- D. \* Authorize acceptance of Fiscal Year 2005 Cycle Buffer Zone Protection Plan Funds from the State of California Governor's Office of Homeland Security – Police Dept.

**Action Taken:**

1. \* **RESOLUTION** - 71st amendment to AAR 2005-286 appropriating \$50,000 to begin implementation of the Cycle Buffer Zone Protection Plan process of target hardening (***Requires 5 affirmative votes***)

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. Approve the amended agreement for the Southwest Weed and Seed Grant Program and ratify the agreement for the Southeast Weed and Seed Grant Program – Police Dept.

**Action Taken:**

1. \* **RESOLUTION** - 75th amendment to AAR 2005-286 appropriating \$41,000 for the Southwest Weed & Seed Grant Program (***Requires 5 affirmative votes***)

**Action Taken:**

- F. \* **RESOLUTION** - 72nd amendment to AAR 2005-286 appropriating an additional \$460,000 resulting from retroactive Memorandum of Understanding salary adjustments (***Requires 5 affirmative votes***) – Fire Dept.

**Action Taken:**

- G. \* Approve the acquisition of a street easement at 1254 W. Clinton Avenue from property owned by Sarbjit Singh and Parmjit Kaur (***Property located in District 1***) – Public Works Dept.

**Action Taken:**

- H. **RESOLUTION** - Of intention to annex Final Tract Nos. 5374 and 5313 to the City of Fresno Community Facilities District No. 2, Annexation No. 119 (***Property located in District 5***) – Public Works Dept.

**Action Taken:**

- I. \* Award a contract to Kelly C. Broyles Construction for the installation of 8" water mains in Morris, Celeste, Delno, Roberts, and Teilman Avenues (***Property located in District 2***) - Public Works Dept.

**Action Taken:**

- J. **RESOLUTION** - Adopt the Fresno-Area Regional Groundwater Management Plan and authorize the Director of Public Utilities to sign on behalf of the City of Fresno – Dept. of Public Utilities

**Action Taken:**

- K. \* Award a contract to Rocky Mountain Welding and Fabricating, Inc., of Pleasant Grove, Utah to supply metal refuse and recycling containers as per specifications in Bid File No. 8802 – Dept. of Public Utilities

**Action Taken:**

- L. Approve appointment of Lourdes M. Dawson to the Fresno-Madera Area Agency on Aging Board – Mayor Autry

**Action Taken:**

- M. **RESOLUTION** - Approving the Final Map of Tract No. 5517 and accepting dedicated public uses therein and authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents (***Property located in District 4***) – Planning and Development Dept.

**Action Taken:**

2. **CITY COUNCIL**

- A. Discussion of improvements to be made by the Department of Public Utilities relating to the education and enforcement process underway regarding trash containers – Council President Duncan

**Action Taken:**

- B. Request City Council to establish a Budget Committee – Councilmember Boyajian

**Action Taken:**

- C. Requesting an update on the vacant and dangerous building ordinance – Councilmember Boyajian

**Action Taken:**

## SCHEDULED COUNCIL HEARINGS AND MATTERS

**9:00 A.M. A. SCHEDULED COMMUNICATION –** Appearance by John and Katie Diaz to discuss and request action to amend the Fresno Municipal Code relating to noisy exotic birds within City neighborhoods

**B. UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

**9:15 A.M. GENERAL ADMINISTRATION**

**A. \* RESOLUTION -** 21st amendment to PAR No. 2005-287 adding three (3) new full-time equivalent s (FTE'S) inspectors for the Planning and Development Department  
***Action Taken:***

**9:20 A.M. BILL – (*For introduction*)** – Amending the Fresno Municipal Code relating to taxi cab regulations – City Manager's Office  
***Action Taken:***

**10:00 A.M.      WORKSHOP** on East Fresno Water Issues – Dept. of Public Utilities

**10:30 A.M. HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 110 – Final Tract Map No. 5457 (***Property located in District 2***) – Public Works Dept.

**Action Taken:**

**a. RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

**Action Taken:**

**b. RESOLUTION** - Calling special mailed-ballot election

**Action Taken:**

**c. RESOLUTION - Declaring election results**

**Action Taken:**

d. \* **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 110

**Action Taken:**

e. **RESOLUTION** – Approving the Final Map of Tract No. 5457 and accepting dedicated public uses therein and authorize the Public Works Director, the Public Utilities Director, the Fire Chief and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.

**Action Taken:**

**10:35 A.M. HEARING** to consider Rezone Application No. R-05-61, and environmental findings, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled, pertaining to approximately 55.51 acres of property located on the southwest corner of N. Locan and E. Shields Avenues ***(Property located in District 4)*** - Planning and Development Dept.

**Action Taken:**

**a.** Consider and adopt Environmental Assessment No. R-05-61/T-5592/C-05-187, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

**b. BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) and R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:45 A.M. CONTINUED HEARING** to consider Rezone Application No. R-05-28, and environmental findings, filed by John Allen on behalf of Image Homes, Inc., pertaining to approximately 4.80 acres of property located on the east side of N. Cecelia Avenue between W. Sierra and W. Ellery Avenues **(Property located in District 2)** – Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-05-28/T-5527, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*) zone district

**Action Taken:**

**11:00 A.M. CONTINUED HEARING** to consider Rezone Application No. R-05-106, and environmental findings, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon, pertaining to approximately 8.66 acres of property located on the south side of W. Nielsen Avenue between S. Hughes and S. West Avenues **(Property located in District 3)** – Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-05-106, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the M-1/UGM/cz (*Light Industrial/Urban Growth Management/conditions of zoning*) zone district

**Action Taken:**

**2:00 P.M. #1** **CONTESTED CONSENT CALENDAR**

**2:00 P.M. #2** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

1. **Case Name:** Larry R. Messick (*Deceased*) v. *City of Fresno*  
WCAB NO: FRE 0191404
2. **Case Name:** United States of America v. City of Fresno; and Family Alliance for the Mentally Ill, Affordable Homes, Inc., Craig Harvey and Jane Doe v. City of Fresno, et al., United States District Court for the Eastern District of California, Case No. CV-F-96-5349 OWW DLB (FAMI v. City of Fresno)

**Action Taken:**

**B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (b)**

**Significant Exposure to Litigation:**

1. **Case Name:** Construction Development Systems v. City of Fresno

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 2:15 P.M.**      **WORKSHOP** to discuss whether the City Manager and Redevelopment Agency Executive Director should issue a joint Request For Proposal to hire a professional services firm to perform an analysis with recommendations of the Redevelopment Agency and Economic Development Department to include best practices and project-specific evaluations - Councilmember Calhoun and Acting President Perea
- 2:40 P.M.**      **HEARING** to consider Rezone Application No. R-05-40, and environmental findings, filed by Lafferty Homes, Inc., and Robert Dominguez, Margaret C. Dominguez, Rhonda Walk, and Harry and Dorothy Paul, pertaining to 25.35± acres of property located southeast of the corner of W. Dakota and N. Cornelia Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 1)** – Planning and Development Dept.  
**Action Taken:**
- a.      Consider and adopt Environmental Assessment No. R-05-40/T-5479, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1 (*Single Family Residential*) zone district  
**Action Taken:**
- 2:50 P.M.**      **HEARING** to consider Rezone Application No. R-05-57, and environmental findings, filed by Artel Farms, Inc., pertaining to approximately 12.87 acres of property located near the northwest corner of N. Brawley and McKinley Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 3)** – Planning and Development Dept.  
**Action Taken:**
- a.      Consider and adopt Environmental Assessment No. R-05-57/T-5587, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.  
**Action Taken:**
- 3:00 P.M.**      **HEARING** to consider Rezone Application No. R-05-58, and environmental findings, filed by Dirk Poeschel on behalf of Werner Graf, pertaining to 1.7 acres of property located on the southeast corner of W. San Jose and N. Gates Avenues. **(Property located in District 2)** – Planning and Development Dept.  
**Action Taken:**
- a.      Consider and adopt Environmental Assessment No. R-05-58/S-05-115/V-05-11, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone district to the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone district, specifically requesting the removal of the residential density restriction of 10 dwelling units per acre.  
Council District 2 (Councilmember Calhoun)  
**Action Taken:**

## SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:15 P.M. \* RESOLUTION** – 16th amendment to Salary Resolution No. 2005-290 establishing legislative policy prohibiting “performance pay” salary deductions – Council President Duncan  
**Action Taken:**
- 3:30 P.M. \* HEARING** to consider adoption of Bill B-30 amending the Fresno Municipal Code relating to required installation of automatic fire extinguishing system for all occupancies - Fire Dept.  
**Action Taken:**
- A.** Consider and adopt findings regarding local climatic, geological and topographical conditions that warrant the amendments to the Uniform Fire Code and Uniform Building Code to require fire sprinklers as set forth in Bill B-30  
**Action Taken:**
- B. BILL NO. B-30 (For adoption) (Intro. 3/28/2006)** - Amending the Fresno Municipal Code relating to required installation of automatic fire extinguishing system for all occupancies  
**Action Taken:**
- 4:00 P.M.** Initiating Mello-Roos Community Facility District for Fancher Creek – Councilmember Dages  
**Action Taken:**
- a.** Direction to staff to meet with the developer (Ed Kashian and Tom Richards) within the next 30 days to obtain the necessary information to submit to Council a petition requesting institution of Community Facility District proceedings for the Fancher Creek Project  
**Action Taken:**
- 4:15 P.M.** Presentation by the Parks Commission regarding final report – City Manager’s Office
- 5:30 P.M. CONTINUED HEARING** – Consider adoption of a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources **(Property located in District 2)**  
**Action Taken:**
- a. \* RESOLUTION** - Designating the Former Retail Shed of the Sugar Pine Lumber Company, located at 7435 N Ingram Avenue (Pinedale Assembly Center Site/State Historical Landmark No. 934,, Camp Pinedale) to the Local Register of Historic Resources  
**Action Taken:**

## SCHEDULED COUNCIL HEARINGS AND MATTERS

- |      |      |               |  |
|------|------|---------------|--|
| Apr. | 25 - | 10:00 A.M.    | <b>HEARING</b> re: Rezone Application No. R-06-08, filed by AmTech Construction, Inc.  |
| Apr. | 25 - | 10:10 A.M.    | <b>HEARING</b> re: Rezone Application No. R-05-83, filed by KB Homes   |
| Apr. | 25 - | 10:20 A.M.    | <b>HEARING</b> re: Rezone Application No. R-05-45, filed by Granite Bay, LLC   |
| Apr. | 25 - | 10:15 A.M.    | <b>HEARING</b> re: Rezone Application No. R-05-72, filed by James Bratton  |
| Apr. | 25 - | 10:30 A.M.    | <b>HEARING</b> re: Rezone Application No. R-05-100, filed by Cencal Holdings, LLC  |
| Apr. | 25 - | 3:45 P.M.     | <b>HEARING</b> to consider adoption of a resolution designating of the Peach Avenue USDA Horticultural Field Station Historic District located at 2021 S. Peach Avenue to the Local Register of Historic Resources <b>(Property located in District 5)</b> |
| Apr. | 25 - | 4:00 P.M.     | <b>HEARING</b> re: 2005 Cycle III Trimester Plan amendments (Planning and Development Dept.)   |
| May  | 3 -  | 3:00 P.M.     | <b>(Wednesday)</b> Presentation of Employee Service Awards Certificates (Council Chambers) (Reception immediately following – 2 <sup>nd</sup> floor foyer)   |
| May  | 16 - | 10:00 A.M.    | Presentation of the Hope IV Villages of California by Debra Moore of the Housing Authority   |
| May  | 23 - | 10:00 A.M. #1 | <b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 117, Tract No. 5229   |
| May  | 23 - | 10:00 A.M. #2 | <b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 118, Tract No. 5326   |
| May  | 23 - | 10:00 A.M. #3 | <b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 119, Final Tract Maps No. 5374 and 5313 (District 5)  |
| May  | 23 - | 10:15 A.M.    | <b>HEARING</b> To consider the adoption of a resolution vacating a portion of the intersection of W. Bellaire Avenue and N. Milburn Avenue <b>(Located in District No. 1)</b>  |

